



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2018-01180

January 28, 2019

Via email: csaeger@westernvaluesproject.org

Chris Saeger
704C East 13th St
Suite 568
Whitefish, MT 59937

Dear Mr. Saeger:

On May 19, 2018, you filed a Freedom of Information Act (FOIA) request seeking the following:

I request access to and copies of all correspondence, including but not limited to texts, emails, google chats, or any other form of internal communication, sent by any of the following Department of Interior officials that include any of the following Keywords, from April 22nd to April 27th, 2018:

Department of Interior Officials

- Heather Swift
- Russell Newell
- Laura Rigas
- Eli Nachmany
- Alex Hinson

Keywords

- "John Oliver"
- "Last Week Tonight"

"All correspondence" should include, but not be limited to, copies of digital and hardcopy information sent by, sent to, carbon copying ("CC"), or blind carbon copying ("BCC") any of these individuals during this time period."

On July 17, 2018, we acknowledged your request and advised you of your fee status under the FOIA.

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Accordingly, we are writing today to respond to your request on behalf of the Office of the Secretary. Please find enclosed one file, consisting of 94 pages. Of those 94 pages, 93 are being released in their entirety, and one contains redactions as described below:

Portions of the enclosed documents have been redacted pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) because they fit certain categories of information:

Personal Email Addresses

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The courts have held that the phrase “similar files” involves all information that applies to a particular person. Hertzberg v. Veneman, 273 F. Supp. 2d 67, 85 n.11 (D.D.C. 2003).

To determine whether releasing requested information would constitute a clearly unwarranted invasion of personal privacy, we are required to perform a “balancing test.” This means that we must weigh the individual’s right to privacy against the public’s right to disclosure.

- (1) First, we must determine whether the individual has a discernable privacy interest in the information that has been requested.
- (2) Next, we must determine whether release of this information would serve “the public interest generally” (i.e., would “shed light on the performance of the agency’s statutory duties”).
- (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

The information that we are withholding consists of email addresses and phone numbers of third parties and military members, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties and that, on balance, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Nat’l Ass’n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989).

In summation, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that it therefore may be withheld, pursuant to Exemption 6.

Tony Irish, Attorney-Advisor, in the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, Office of the Secretary FOIA Officer, is responsible for making this decision.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard

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notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. (see 43 C.F.R. § 2.37(g)). Therefore, there is no billable fee for the processing of this request.

If you have any questions about our response to your request, you may contact Cindy Sweeney by phone at 202-513-0765, by fax at 202-219-2374, by email at OS-foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C St, N.W., Division of General Law, Office of the Solicitor, Washington, D.C. 20240.

Sincerely,

Clarice Julka
Office of the Secretary
FOIA Officer

Electronic Enclosure